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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/653,958	05/22/96	PONTAROLLO	5 51022/7556

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EXAMINER

LEJA.R

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 12/08/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/653,958

Applicant(s)
Serge Pontarollo

Examiner
Ronald W. Leja

Group Art Unit
2836



☒ Responsive to communication(s) filed on the amendment of 9-25-98.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6, 18-22, and 27-39 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 18-22 and 34-39 is/are allowed.

☒ Claim(s) 1, 2, 4, 5, and 27-30 is/are rejected.

☒ Claim(s) 3, 6, and 31-33 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill (5,239,440).

Figure 5 of Merrill illustrates a protection circuit for discharging voltage surges and the first transistor (42) is directly connected between first and second supply terminals and the transistor shunts voltage surges. The second transistor (43) is directly connected between the second supply terminal and the gate of the first transistor. Merrill is somewhat silent with respect to the transistor types, however, by the configuration, the two transistors must be of different types, since the first transistor turns ON when capacitor (40) charges due to a surge on V_{CC} , as such, the transistor (42) is a P-type and when V_{SG} is more positive than V_t , the transistor turns on. As far as the second transistor, the same surge appears on its gate, but the RC circuit drops some of the voltage and so the transistor turns on later than the first with a V_{GS} voltage turning on the second transistor alluding to it being a N-type transistor or of a second type to that of the first transistor. As far as the specific connections of the capacitor, such limitations would have been obvious as a matter of engineering design choice to one having ordinary skill in the art as a the results would be the same. With the capacitor being connected

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between the first power supply and the gate, the resistor would be connected between the gate and the second power supply and their values would have to be adjusted so as to prevent undesired turn-ON of transistor (43), but otherwise the overall performance of the circuit would be the same. Some advantages would be that different valued components would have to be utilized thereby increasing circuit flexibility and possible applications. As far as the limitations of the dependent claims, such as, speed of turn-ON , W/L parameters and associated capacitances of the transistors, such limitations would have been obvious as matters of engineering design choices and well within the abilities of one having ordinary skill in the art as a means to gain the desired performance of the overall protection device within the overall circuitry thereby resulting in a higher degree of reliability.

3. Claims 3, 6 and 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 18-22 and 34-39 are allowed.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of

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this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ronald W. Leja whose telephone number is (703)308-2008.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1782. The Group FAX numbers are (703)305-3431 or (703)305-3432.


RONALD W. LEJA
PRIMARY EXAMINER
12/6/98

RWL
December 6, 1998